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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Kolesnick and Schuchman

Application No.: 09/928,872

Group Art Unit: 1644

Filed: August 13, 2001

Examiner: Huynh, Phuong N.

For: METHODS AND COMPOSITIONS
FOR THE MODULATION OF ACID
SPHINGOMYELINASE-RELATED
APOPTOSIS

Attorney Docket No.: 6923-106

SUPPLEMENTAL INFORMATION
DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.56

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

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This application is a continuation of U.S. Application No. 08/687,707 filed July 26, 1996, now U.S. Patent No. 6,274,309 issued August 14, 2001.

In accordance with the continuing duty of disclosure imposed by 37 C.F.R. § 1.56 and § 1.97 to inform the Patent Office of all references coming to the attention of each individual associated with the filing or prosecution of the subject application, which are or may be material to the patentability of any claim of the application, Attorneys for Applicants hereby direct the Examiner's attention to **Reference CJ** listed on the attached revised form PTO-1449 entitled "List of References Cited by Applicant." A legible copy of **Reference CJ** is submitted herewith.

Identification of the listed reference is not to be construed an admission by Applicants or Attorneys for Applicants that such reference is available as "prior art" against the subject application. Consequently, Applicants respectfully decline to use form PTO-1449, since this

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form identifies all of the references cited therein as "Prior Art." As an alternative, Applicants submit herewith a "revised form PTO-1449" entitled "List of References Cited" instead of "List of Prior Art Cited."

Applicants respectfully request that the Examiner review the listed reference and that the reference be made of record in the file history of the application.

Pursuant to 37 C.F.R. § 1.97(b), since this information disclosure statement is being filed after the mailing date of a first Office Action on the merits, it is believed that a fee of **\$180.00** is due in connection herewith. Please charge the required fee to Pennie & Edmonds LLP deposit account no. 16-1150; a duplicate of this sheet is enclosed for accounting purposes.

Respectfully submitted,

Date June 12, 2002

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Enclosures